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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/785,487 | 02/20/2001 | Tomer Palatin | 2457/1 | 6543 |

7590 02/01/2005

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| EXAMINER |
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SMITH, JEFFREY A

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| ART UNIT | PAPER NUMBER |
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3625

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,487

Applicant(s)

PALATIN, TOMER

Examiner

Geoffrey Akers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Reply

1. This action is issued in response to applicant's Reply filed July 15, 2004.
2. No claims were amended. None were added. None were deleted.
3. Claims 1-23 are pending.

Claim Rejections - 35 USC § 102

4. Claims 1-3 6-12, 14-16, 19-21 are rejected under 35 USC 102(b) as being anticipated by Walker (US Pat. No: 5,862,223). The rejections as cited in the Non-Final Office Action dated 1/20/04 are maintained.
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Claim Rejections - 35 USC § 103

5. Claims 4-5, 13, 17-18, 22-23 are rejected under 35 USC 103(a) as being unpatentable over Walker (US Pat. No: 5,862,223) in view of Official Notice. The rejections as cited in the Non-Final Office Action dated 1/20/04 are also maintained.
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Response to Arguments

6. Applicant's arguments are not persuasive. The objective of Walker is to teach an Exchange for utilization by users and experts whereby users will buy expert services. It is done on line and is thus an online e-commerce marketplace for expert services (col 6 lines 45-48).

Walker teaches information that includes a plurality of fixed prices for at least one item for sale (col 5 line 53-col 6 line 25). Indeed, experts (objects for sale) are located and

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brought to customers(buyers) through the Exchange mechanism and a plurality of payment systems may be utilized(col 6 lines 1-6) for selected experts from a plurality of members. Walker teaches negotiations between users and experts(col 6 lines 22-25).Thus Walker teaches at least one item for sale(experts) having a plurality of fixed prices(col 6 line 2) for the experts. Furthermore, Walker teaches a marketplace system for parties to bid on services or to reach an agreement regarding a transaction for such services as the parties may desire(col 6 lines 45-48).

Walker teaches information concerning revealing a single price from a plurality of fixed prices to the consumer in return for a fee(col 23 lines 24-46).Walker teaches users paying a premium over the cost of an expert(col 23 lines 29-32).Thus in a bid/ask environment with a fee, the winning bid is developed from a plurality of bids and in addition to the contract price, the user pays a fee to buy in this market(col 23 lines 32-34).

Walker teaches remitting to an account of the party a fee in order to ascertain a single price from a plurality of fixed prices(col 23 lines 24-46).Walker teaches a bid/ask spread(col 23 lines 29-30).In developing the transaction price from the bid/ask spectrum, the controller charges the user a fee as a markup in the transaction(col 23 lines 29-34).

Conclusion

7. THIS ACTION IS MADE FINAL.

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Questions regarding this communication may be addressed to the primary examiner, Dr. Geoffrey Akers, P.E., who can be contacted at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to reach the primary examiner are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, may be telephoned at (703)-308-1065.

September 25, 2004



9/25/04

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER